



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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November 20, 2009

MELISSA BARRETT  
2926 LANGRIDGE LOOP  
OLYMPIA WA 98502

Subject: Complaint Filed Against Joe Hyer, PDC Case No. 10-021

Dear Ms. Barrett:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received September 18, 2009 alleging that Joe Hyer, a 2009 candidate for re-election to the Olympia City Council, used photographs that were property of the City of Olympia and the Washington State Department of Transportation (WSDOT) to assist his campaign, an alleged violation of RCW 42.17.130.

PDC staff reviewed these allegations in light of the following statute:

**RCW 42.17.130** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

We reviewed your complaint, Mr. Hyer's response to the complaint, and information received from the City of Olympia and the WSDOT. As a result of our review, we found:

- Connie Cobb, an employee for the City of Olympia, stated that the Joe Hyer Campaign made two public records requests in August 2009. The first request was made by Rob Richards, Joe Hyer's Communications Director, on August 14, 2009. This request was for high-resolution photos of councilmember Hyer. In accordance with City policy, staff provided a CD of the requested photographs, at no charge, which included:
  - A photograph of Joe Hyer and a current City of Olympia staff member;
  - A photograph depicting an official city event with Tribal leaders and other city council members; and
  - A photograph depicting a tree planting, an official city event.



These photos were used in the campaign literature distributed by Mr. Hyer.

- A second request, also made by Rob Richards, occurred on August 19, 2009. This request was for high-resolution photos of city parks. In accordance with City policy, staff provided a CD of the requested photographs, at no charge, which included the following six photos used by Mr. Hyer in his campaign literature:
  - A park overlooking a lake;
  - Percival Landing;
  - A footbridge in a park;
  - A sign indicating a future park at 900 West Bay Drive NW;
  - A playground with a sprinkler operating; and
  - A sign at the Ellis Cove trailhead.
- The Hyer Campaign purchased an aerial photograph of Budd Inlet from the Washington State Department of Transportation (WSDOT) through a public records request.

It is permissible for a candidate to use photographs from a public agency if they are obtained properly. Mr. Hyer requested and received the photographs through public records requests, in accordance with the policies of the City of Olympia and the WSDOT.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Joe Hyer. Mr. Hyer is being notified of this dismissal by separate letter.

Thank you for bringing this matter to our attention. The process relies on citizens monitoring campaign activity to promote full compliance with the law. Your actions will contribute to better awareness of the Public Disclosure Law.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853, toll-free at 1-877-601-2828, or by e-mail at [pstutzman@pdc.wa.gov](mailto:pstutzman@pdc.wa.gov).

Sincerely,

  
Vicki Rippie  
Executive Director